



Paper No. 8

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In re Application of
Paul J. Rudeck et al.
Application No: 10/072,015
Filed: February 7, 2002
Attorney Docket No. MIO 0053 VA

OFFICE OF PETITIONS

DECISION REFUSING JOINDER

This is in response to the request for reconsideration filed November 13, 2002 for joinder of a prior non-signing inventor.

The petition is dismissed.

A request for joinder will be grantable if promptly renewed within TWO MONTHS of this mailing, accompanied by a new oath or declaration. Extensions of time under 37 CFR 1.136(a) are not available.

The above identified application was filed without an executed oath or declaration. A petition to accord status under 37 CFR 1.47(a) was filed February 7, 2002 and dismissed June 19, 2002. A request for reconsideration was filed July 8, 2002 and dismissed August 13, 2002 again for failure to meet the requirements of a grantable petition under 37 CFR 1.47 (a).

Comes now the request for reconsideration and joinder with a Declaration signed by the previously non-signing inventor, Francis Benistant and a request for a one month extension of time. However, petitioners have failed to provide an acceptable oath or declaration.

Petitioners indicate in the cover letter that the previously non-signing inventor did not update the address information on the declaration prior to signing it and thus the address he was located at is different from that found in the declaration. The address found in the declaration is to be the last known address of the non-signing inventor, 3996 S. Federal Way Apt #C106, Boise, ID 83705. However, as petitioner notes in the request for reconsideration, the last known address of Francis Benistant is 35640 Fremont Blvd. #104, Fremont, CA 94536.

The post office address of each inventor must be stated in the oath or declaration. See, 37 CFR 1.63. The post office address means the address at which he or she customarily receives mail. See, MPEP 605.03.

Additionally, the oath or declaration has been altered, however, the alterations have not

been initialed and/or dated as is required by 37 CFR 1.52(c). Specifically, the declaration signed by inventor Paul J. Rudeck has been altered; however, the alteration has not been initialed by Paul J. Rudeck. A properly executed oath or declaration which complies with 37 CFR 1.67(a) is required. See, MPEP 605.04(a).

At this writing, this application has not been accorded status under 37 CFR 1.47(a) nor has joinder of the previously non-signing inventor been effectuated.

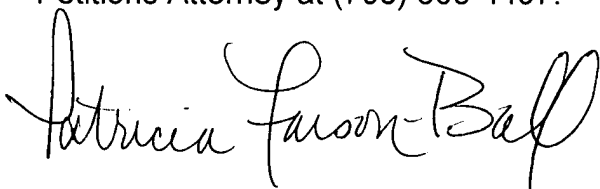
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in cursive script, reading "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title of the signatory.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy